

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 849, FOOD AND DRUGS ACT.

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#### MISBRANDING OF MACARONI.

On or about July 5, 1910, V. Viviano & Bro., St. Louis, Mo., shipped from the State of Missouri into the State of Ohio 29 cases of macaroni, ten of said cases being labeled: "La Regina. Trade Mark (being a picture of a woman holding a shield with a foreign scene as a background). V. B. artificially colored Attupatelli Lisci. Marca di Fabrica. Registered. (Pictorial representations of medals of award)," ten being labeled the same as the above with the exception that the word "Rigatoni" was substituted for the words "Attupatelli Lisci," the remaining nine being labeled the same as those first above mentioned, with the exception that the word "Trenette" was substituted for the words "Attupatelli Lisci." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be of domestic origin and therefore to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the finding of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Ohio.

On August 2, 1910, a libel was filed in the District Court of the United States for the said district against the said 29 cases of macaroni, charging the above shipment and alleging the product so shipped to be misbranded in that the containers of the product were labeled as above set forth, said labels purporting and representing and conveying to the purchaser the impression that said article of food was a foreign product and of foreign origin and manufacture, to wit, of Italian origin and manufacture, when in truth and in fact such was not the case, said article being a product of American origin and manufacture, produced at St. Louis, Mo., by V. Viviano & Bro.

On January 23, 1911, the cause came on for hearing and no appearance having been filed by any claimant of the product, the court being fully informed in the premises issued its decree finding the product to be misbranded as alleged in the above libel, condemning and forfeiting the same to the use of the United States and ordering that the aforesaid labels be so changed as to clearly show the place of manufacture of said macaroni, and that when relabeled the marshal of the said district should sell the said 29 cases of the product and from the proceeds thereof satisfy any liens against said property, the remainder of the proceeds, if any, to be paid the clerk of the court aforesaid, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 25, 1911.*